

Report Date: November 13, 2008

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Javier Mercado-Espino

Case Number: 2:04CR02023-001

Address of Offender: Incarcerated at Metropolitan Correctional Center, San Diego, CA

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 06/17/2004

Original Offense: Alien in United States After Deportation, 8 U.S.C. § 1326

Original Sentence: Prison - 46 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jill Bolton

Date Supervision Commenced: 04/12/2007

Defense Attorney: Kurt M. Rowland

Date Supervision Expires: 04/11/2010

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|---|
| 1 | <u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime. |
|---|---|

Supporting Evidence: On October 28, 2008, Mr. Mercado-Espino was arrested by United States Border Patrol agents under the alias of Javier Espino-Mercado, and charged with Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326.

On October 29, 2008, the defendant made an initial appearance before the Honorable Jan M. Adler, U.S. Magistrate Judge, Southern District of California (docket number 3:08MJ03359-001). On October 30, 2008, the defendant appeared before the Court for a detention hearing and was detained. The defendant remains in custody and will appear before the Court again on November 13, 2008.

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|---|---|
| 2 | <u>Special Condition # 14:</u> You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry. |
|---|---|

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Supporting Evidence: On or about October 28, 2008, the defendant illegally reentered the United States as noted in alleged violation number 1.

According to information received from the U.S. Immigration and Customs Enforcement, the defendant was deported to Mexico, on April 12, 2007, and to date has not obtained legal permission to reenter the United States.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

11/13/08

Jose Vargas

Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Fred W. Seville

Signature of Judicial Officer

November 14, 2008

Date